



December 6, 2017

VIA EMAIL (chambersnysdsmith@nysd.uscourts.gov)

Honorable Lisa Margaret Smith
The Honorable Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas Street
Courtroom 520
White Plains, NY 10601-4150

EDWARD J. O'CONNELL
1925-1939
SAMUEL E. ARONOWITZ
1925-1973
LEWIS A. ARONOWITZ
1951-1979

Re: Unsealing Search Warrants: AMA Laboratories, Inc.
Case #: 17-MJ-2562
17-MJ-4661

CORNELIUS D. MURRAY
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MATTHEW J. DORSEY
GEORGE R. SLINGERLAND
F. MATTHEW JACKSON

Dear Honorable Smith:

We represent AMA Laboratories, Inc. ("AMA") regarding the above-referenced search warrants connected to an investigation currently being conducted by the U.S. Attorney in the Southern District of New York. We are submitting this letter to ask for production of the *in camera* letter that was submitted to your Court by the United States Attorney's Office on November 22, 2017 in response to two letter motions submitted by this office on November 7, 2017 and November 10, 2017. In the government's response to our motions asking for search warrant material to be unsealed (November 7, 2017 letter motion), and to enjoin the introduction of evidence to the Grand Jury that was obtained in violation of AMA's constitutional rights (November 10, 2017 letter motion), the government, in footnote 1 on page 1, states that they submitted an *in camera* letter explaining their need to keep the search warrant material under seal. We respectfully request this Court turn over this *in camera* letter to the defense. We also request additional time to reply to the government's response of November 22, 2017 once we receive notice from this Court on our request for the *in camera* letter.

We are requesting this *in camera* letter because the government's reasoning for keeping the search warrant materials sealed is woefully inadequate. Instead of citing particular reasons why the search warrant materials should remain sealed, the government instead states that the "severe risks to criminal investigations...apply in every case and accordingly *always* outweigh any interest the public may have in pre-indictment disclosure of the details of an ongoing investigation." *See* Government's response, November 22, 2017, p. 3 (emphasis added). If the government is to be

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materials, no matter the public's or defendant's interest in such materials. This position surely cannot stand, and so the defense requests the additional *in camera* letter that explains their need for secrecy to be turned over. This case has already been in the media and public forum for months, and there is no risk to any potential witnesses. Any need for secrecy surely has lessened after being in the public forum for so long. If the government contends that their need for secrecy is so great, and this *in camera* letter explains that, then let the defense see these reasons, instead of merely stating the government's need for secrecy is always greater than a defendant's need. If this Court is reluctant to turn over the letter as is, the defense respectfully asks that a redacted version be provided, with the sensitive information redacted so that secrecy is still maintained. The government first executed search warrants against AMA eight months ago, and the media has reported on it, and the resulting fallout has damaged AMA incredibly. To insist that secrecy of the search warrant materials always trumps the needs of a defendant is cavalier, and AMA should have some rights when the government has acted in a way that has resulted in so much harm. For these reasons, we respectfully ask for a copy of the *in camera* letter or a redacted version of it.

Since production of the *in camera* letter would be paramount to any proper response to the government's November 22, 2017 reply, we also respectfully request an extension of time to respond to the government's reply until this Court decides on our request for the *in camera* letter.

Thank you for your time.

Very truly yours,

O'CONNELL AND ARONOWITZ

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